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Patent Application
Attorney Docket No. PC11726A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kenneth C. Waterman :

APPLICATION NO.: 10/099,715 : Examiner: Edward J. Webman

FILING DATE: March 13, 2002 : Group Art Unit: 1614

TITLE: Pharmaceutical Tablet and Process for :
Making Thereof

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir

RESPONSE TO RESTRICTION AND ELECTION

As a preliminary matter, it is noted that this response, with an extension of two months, is due by October 16, 2004, a Saturday. The response and an appropriate petition for extension (including the authorization to charge fees) are being mailed by the procedure of 37 U.S.C. §1.8 on October 18, 2004, Monday, the next business day. Accordingly, the response is timely.

This is in response to the Office Action mailed on July 16, 2004, the term for response having been extended two (2) months by including the appropriate fee and petition herewith.

In response to the Office Action

1. For the restriction requirement, Applicants elect, with traverse, the invention of Group I, claims 1-70, 94-95, drawn to a composition.
2. For the first species election, Applicants elect a tablet with an immediate release coating. Claims 1-12, 14-36, 38-49, 51-59, 61-69, 71-81, 83-87, and 89-95 are readable thereon. It is noted that the Examiner referred to the release characteristics of a "coating" for the election. Applicants have assumed he was referring to the compressible coating.

3. For the second species election, Applicants elect a tablet where the drugs are different. Claims 1-13, 15-23, 25-45, 47-65, 67-75, 77-90, and 92-95 are readable thereon.

The restriction is traversed on the basis that it is not considered to be an undue burden on the Examiner to conduct the two searches together. MPEP 803 states that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Thus, the Examiner is requested to reconsider and withdraw the restriction requirement.

No listing of claims has been included herewith because no changes to the claims as originally filed have yet been made.

Respectfully submitted,

Date: OCT. 18, 2004

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